

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

United States of America,

Plaintiff,

v.

Crim. No. 07-439(6) (JNE/SRN)  
ORDER

Marco Jeanpierre,  
a/k/a Marco Orlando Tinnin,

Defendant.

Two motions to dismiss are before the Court. Both are denied for reasons that are readily apparent.

First, Defendant moves to dismiss for discovery violations. He claims that his rights to a fair trial and effective assistance of counsel were violated by late disclosure of fingerprint data. The data relate to Count 65 of the superseding indictment. As the jury returned a verdict of not guilty on that count, the motion is moot with respect to that count. To the extent the motion relates to Count 66, on which Defendant was found guilty, it is without merit.

Next, Defendant moves to dismiss all charges based on alleged speedy trial violations. This motion, too, is without merit. The memorandum in support of the motion fails to mention the operative section of the applicable statute, 18 U.S.C. § 3161(h)(7) (2006). That section addresses defendants who are scheduled for joint trials, as Defendant was. Defendant was brought to trial well within the time permitted by the Speedy Trial Act. Neither his statutory nor his Sixth Amendment rights were violated.

Based on the files, records, and proceedings herein, and for the reasons stated above, IT IS ORDERED THAT:

1. Defendant's Motion to Dismiss for Speedy Trial Violations [Docket No. 666] is DENIED.

2. Defendant's Motion to Dismiss for Discovery Violations [Docket No. 677] is DENIED.

Dated: October 16, 2008

s/ Joan N. Ericksen  
JOAN N. ERICKSEN  
United States District Judge